

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM J. PASSARELLA, Jr., : CIVIL ACTION NO. 3:18-cv-0757

:

Plaintiff : (Judge Munley)

v.

:

NICK MENAPACE, *et al.*, :

:

Defendants :

ORDER

AND NOW, to wit, this 5th day of September 2018, upon consideration of the Plaintiff's complaint (Doc. 1) and for the reasons stated in the Court's Memorandum of the same date, it is hereby ORDERED:

1. Plaintiff's motions (Doc. 2, 8) to proceed *in forma pauperis* are construed as motions to proceed without prepayment of fees and are GRANTED.
2. Plaintiff's complaint (Doc. 1), is DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
3. Plaintiff's motions (Docs. 6, 11, 19) for appointment of counsel are DENIED as the complaint lacks arguable merit in fact and law. Tabron v. Grace, 6 F.3d 147, 155-57 (3d Cir. 1993) (listing factors relevant to request for counsel).
4. The Clerk of Court is directed to CLOSE this case.
5. Any appeal from this Order is DEEMED frivolous and not taken in good faith. 28 U.S.C. § 1915(a)(3).

BY THE COURT:

**s/James M. Munley
JUDGE JAMES M. MUNLEY
United States District Court**